

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 6, 8, 11, 13, 38, 40, 43, and 45 are presently active in this case, claims 6, 11, 38, and 43 amended and claims 1-5, 7, 9-10, 12, 14-37, 39, 41-42, 44 and 46-84 canceled and the specification amended by way of the present preliminary amendment.

The present application is a continuation application of, and claims priority under 35 U.S.C. §120 to, Serial No. 09/036, 197("the parent application"). Thus, the present preliminary amendment amends the specification to incorporate the parent application by reference as suggested by The Manual of Patent Examining Procedure.¹

The present preliminary amendment is a substantive response to the Final Office Action issued in the parent application on October 23, 2003. In this Final Office Action, all pending claims were indicated as allowable except Claims 6, 8, 11, 13, 38, 40, 43 and 45, which were rejected as unpatentable over Crawley in view of Maroulis. In order to expedite issuance of a patent, Applicants amended the parent application to cancel the rejected claims and obtain allowance of the allowable claims. Applicants now wish to prosecute the rejected claims in this continuation application. In order to expedite issuance of a patent in this continuation application, Applicants now amend the rejected claim 6, 11, 38, and 43 to clarify the patentable features of the present invention over the references cited in the Final Office Action of the parent application.

Specifically, Claims 6 and 38 are now amended to clarify that the claimed control message is required to contain an information indicating a required communication resource so as to notify a network connection device on a communication path that the information

¹See M.P.E.P. §201.06(c) Incorporation By Reference.

data that pass through the communication path established by the control message are requiring an indicated amount of communication resource. That is, the control message includes information indicating the communication resource that is to be reserved at the network connection device when the information data is transmitted, but which is not yet reserved by the network connection device. This amendment is supported at least by page 11, lines 16-24 of the specification as originally filed and therefore does not raise an issue of new matter.

In contrast, the Final Office Action erroneously identified the claimed control message with Crawley's Resource Reservation Advertisement (RRA) message shown in Fig. 7. However, Crawley's Fig. 7 only shows an exemplary format of the RRA message to be broadcast from each node to other nodes to indicate that node's existing reservations for a particular data flow. That is, Crawley indicates the resources such as memory space and bandwidth that are already reserved at that node for that particular flow.² Applicants submit that the control message of claims 6 and 38 including information indicating the communication resource that is to be reserved, but not yet reserved, at the network connection device when the information data is transmitted is quite different from the information of the resources that are already reserved at each node for a particular flow, which is indicated by the RRA message of Crawley.

The secondary reference of Maroulis does not correct the deficiencies of Crawley. Specifically, Maroulis completely fails to disclose any control message that contains an information indicating a required communication resource so as to notify a network connection device on a communication path that the information data that pass through the communication path established by the control message are requiring an indicated amount of

² Crawley at Col. 5, lines 14-26 and col. 7, lines 4-6.

communication resource. Thus, the combination of Crawley and Maroulis fail to disclose the claimed control message recited in Claims 6 and 38 and therefore these claims patentably define of the cited references.

Claims 11 and 43 have been amended to clarify that the claimed control message is required to contain an information on a format of the information data to be transmitted according to the header or channel information so as to notify a network connection device on a communication path that the information data that pass through the communication path established by the control message will be in the indicated format. This amendment is supported by page 14 line 30 to page 15, line 5 of the specification as originally filed and therefore does not raise a question of new matter.

While the Final Office Action in the parent application failed to explicitly address the Claim 11 and 43 feature of the control message containing an information on a format of the information data to be transmitted according to the header or channel information, the Final Action apparently identified Crawley's RRA message shown in Fig. 7 as teaching this claimed feature. However, as discussed above, Crawley's Fig. 7 only shows an exemplary format of the RRA message to be broadcast from each node to other nodes to indicate that node's existing reservations for a particular data flow, i.e., the resources such as memory space and bandwidth that are already reserved at that node for that particular flow.³ Thus, Crawley's RRA message does not contain any such information for indicating the format of the information data to be transmitted.

Similarly, the secondary reference of Maroulis also completely fails to disclose any control message that contains such information for indicating the format of the information data to be transmitted as now required by Claims 11 and 43. Thus, the combination of

³ Crawley at col. 5, lines 14-26 and col. 7, lines 4-6.

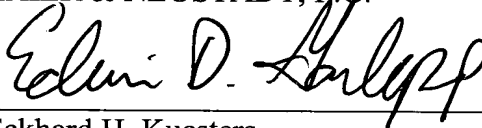
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Inventor: Takeshi SAITO et al.
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Crawley and Maroulis fail to disclose the claimed control message recited in Claims 11 and 43 and therefore these claims patentably define of the cited references.

For the reasons discussed above, independent Claims 6, 11, 38 and 43 patentably define over the cited reference. Moreover as Claims 8, 13, 40, and 45 depend from these independent claims respectively, the dependent claims are also patentably distinct over the prior art of record. As the present preliminary amendment cancels Claims 1-5, 7, 9-10, 12, 14-37, 39, 41-42, 44, 46-84, without prejudice or disclaimer, the present case is believed to be in condition for allowance. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

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